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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ANWAH, OLISA

ART UNIT PAPER NUMBER

2645

DATE MAILED: 07/29/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/473,667

Applicant(s)

QUINN ET AL.

Examiner

Olisa Anwah

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/26/4.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3 and 11</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2645

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 3-6, 25, 26, 28-30 and 39-41 are rejected under 35 U.S.C. § 102(e) as being anticipated by Singh, U.S. Patent No. 6,259,931 (hereinafter Singh).

Regarding claim 1, Singh discloses a telephone user interface (see abstract) comprising:

a first command mode for receiving a first command signal from a user in association with an option of a first menu structure of options, said first command mode having an active or inactive status (col. 4, lines 1-15);

Art Unit: 2645

a second command mode for receiving a second command signal from the user in association with an option of a second menu structure of options, said second command mode having an active or inactive status, said options of said first menu structure logically associated with said options of said second menu structure (col. 4, lines 15-25); and

a command mode switch, functionally connected to said first and second command modes and responsive to said first and second command signals from the user, for toggling between the first command mode and second command mode by switching one of said first command mode and said second command mode from said active status to said inactive status and by switching the remaining one of said first command mode and said second command mode from said inactive status to said active status (col. 4, lines 25-40).

Regarding claim 3, see column 4.

Regarding claim 4, see column 4.

Regarding claim 5, see column 4.

Regarding claim 6, see column 4.

Regarding claim 25, see col. 4, lines 1-40.

Regarding claim 26, see col. 4, lines 1-40.

Regarding claim 28, see col. 4, lines 1-40.

Regarding claim 29, see col. 4, lines 1-40.

Art Unit: 2645

Regarding claim 30, see col. 4, lines 1-40.

Regarding claim 39, see col. 4, lines 1-40.

Regarding claim 40, see col. 4, lines 1-40.

Regarding claim 41, see col. 4, lines 1-40.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2, 7-24, 27, 31, 32 and 34-37 are rejected under 35 U.S.C § 103(a) as being unpatentable over Singh in view of Smith et al, U.S. Patent Application Publication No. 2001/0047263 (hereinafter Smith).

Regarding claim 7, Singh discloses a telephone user interface (see abstract) comprising:

a first command mode for receiving a command signal from a user in association with a first option of a menu structure of first options, said first-based command mode having an active or inactive status (col. 4, lines 1-15);

Art Unit: 2645

a tone-based command mode for receiving a tonal command signal from the user in association with a tone option of a menu structure of tone options, said tone-based command mode having an active or inactive status, said first options logically associated with said tone options (col. 4, lines 15-25);

a command mode switch, functionally connected to said first-based and tone-based command modes and responsive to said first and tonal command signals from the user, for toggling between said first-based command mode and said tone-based command by switching one of said first-based command mode and said tone-based command mode from said active status to said inactive status and by switching the remaining one of said first-based command mode and said tone-based command mode from said inactive status to said active status (col. 4, lines 25-40).

Singh does not teach the first mode is a voice-based mode. However Smith teaches a multimodal user interface that uses a voice mode (see paragraph 0010). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Singh with the voice-based mode taught by Smith. This modification provides a user with more than one input device for efficient entry of commands to a system as suggested by Smith (paragraph 0009).

Claim 2 is rejected for the same reasons as claim 7.

Art Unit: 2645

Regarding claim 8, see column 4 of Singh.

Regarding claim 9, see column 4 of Singh.

Regarding claim 10, see paragraph 0010 of Smith and column 4 of Singh.

Claim 11 is rejected for the same reasons as claim 10.

Claim 12 is rejected for the same reasons as claim 7.

Regarding claim 13, see column 4 of Singh.

Regarding claim 14, see column 4 of Singh.

Regarding claim 15, see columns 1 and 4 of Singh. Also see paragraph 0021 of Smith.

Regarding claim 16, see columns 1 and 4 of Singh. Also see paragraph 0021 of Smith.

Regarding claim 17, see columns 1 and 4 of Singh. Also see paragraph 0021 of Smith.

Regarding claim 18, see column 4 of Singh and paragraph 0010 of Smith.

Regarding claim 19, see column 4 of Singh and paragraph 0010 of Smith.

Regarding claim 20, see paragraph 0010 of Smith.

Claim 21 is rejected for the same reasons as claim 10.

Regarding claim 22 see paragraph 0010 of Smith.

Art Unit: 2645

Regarding claim 23 see column 4 of Singh and paragraph 0010 of Smith.

Regarding claim 24, see column 4 of Singh.

Regarding claim 27, see column 4 of Singh.

Claim 31 is rejected for the same reasons as claim 7.

Regarding claim 32, see column 4 of Singh and paragraph 0010 of Smith.

Regarding claim 35, see column 4 of Singh and paragraph 0010 of Smith.

Regarding claim 36, see column 4 of Singh and paragraph 0010 of Smith.

With respect to claim 34 the combination of Singh and Smith does not explicitly teach the tone-based command mode is interrupted by transmitting voice command signals into said TUI. "Official Notice" is taken that this limitation is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Singh and Smith with a program module wherein said tone-based command mode is interrupted by transmitting voice commands signals into said TUI. This modification provides a user with more than one input



Art Unit: 2645

device for efficient entry of commands to a system as suggested by Smith (paragraph 0009).

Claim 37 is rejected for the same reasons as claim 34.

5. Claims 33 and 38 are rejected under 35 U.S.C § 103(a) as being unpatentable over Singh combined with Smith in further view of Hunt et al, U.S. Patent No. 6,094,476 (hereinafter Hunt).

With respect to claim 33, the combination of Smith and Singh fails to teach the program module of claim 32 wherein said voice-based command mode is interrupted by transmitting tonal command signals into said TUI interrupts the voice-based command mode. However Hunt discloses this limitation (see col. 2, lines 45-55). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Singh combined with Smith to include the program module taught by Hunt. This modification allows the DTMF UI to serve as a backup to the speech UI as suggested by Hunt.

Regarding claim 38, the Singh-Smith combo does not explicitly teach the program module of claim 35 wherein transmitting tonal commands signals into the said TUI interrupts the voice-based command mode. However Hunt discloses this

Art Unit: 2645

limitation (see col. 2, lines 45-55). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Singh combined with Smith to include the program module taught by Hunt. This modification allows the DTMF UI to serve as a backup to the speech UI as suggested by Hunt.

### **Conclusion**

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2645

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.  
Olisa Anwah  
Patent Examiner  
July 21, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
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